

111TH CONGRESS
1ST SESSION

H. R. 839

To provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties and other Indian groups in North Carolina, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2009

Mr. SHULER (for himself, Mr. McHENRY, Ms. FOXX, Mr. JONES, Mr. BOREN, and Mr. MINNICK) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties and other Indian groups in North Carolina, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTHORITY TO PETITION FOR FEDERAL REC-**
4 **OGNITION.**

5 (a) CONSIDERATION OF LUMBEE PETITION.—The
6 Act of June 7, 1956 (70 Stat. 254), shall not be construed
7 to constitute a bar to the consideration by the Secretary
8 of the Interior of a petition of a group or organization

1 representing the Lumbee Indians of Robeson and adjoin-
2 ing counties of North Carolina, the Lumbee Regional De-
3 velopment Association, Inc., the Lumbee Tribe of Cheraw
4 Indians, the Hatteras Tuscarora Indians, the Cherokee In-
5 dians of Robeson and Adjoining Counties, the Cherokee
6 Indians of Hoke County, Inc., or the Tuscarora Nation
7 of North Carolina.

8 (b) RECOGNIZED GROUPS.—The Act of June 7,
9 1956, shall not be construed to operate to deny any group
10 or organization whose petition is approved by the Sec-
11 retary on or after the date of the enactment of this Act
12 any of the special programs or services provided by the
13 United States to Indian tribes and their members because
14 of their status as Indians.

15 **SEC. 2. CONSIDERATION OF PETITION REQUESTING REC-**
16 **OGNITION AS AN INDIAN TRIBE.**

17 (a) PROPOSED FINDING.—The Assistant Secretary of
18 the Interior for Indian Affairs shall publish a proposed
19 finding with respect to the petition for Federal recognition
20 as an Indian tribe by the Secretary of the Interior pursu-
21 ant to part 83 of title 25, Code of Federal Regulations,
22 submitted by the Lumbee Regional Development Associa-
23 tion on December 17, 1987, and subsequently supple-
24 mented, not later than 18 months after the date on which

1 the petitioner has fully responded to the notice of obvious
2 deficiencies regarding that petition.

3 (b) NUMBER OF MEMBERS NOT A FACTOR.—The
4 number of persons listed on the membership roll contained
5 in the petition referred to in subsection (a) shall not be
6 taken into account in considering such petition except that
7 the Assistant Secretary may review the eligibility of indi-
8 vidual members or groups listed in such petition in accord-
9 ance with the provisions of part 83 of title 25, Code of
10 Federal Regulations.

11 (c) REVIEW.—(1) If the Assistant Secretary fails to
12 publish the proposed finding referred to in subsection (a)
13 within the 18-month period referred to in such subsection,
14 the petitioner may treat such failure as final agency action
15 refusing to recognize the petitioner as an Indian tribe and
16 seek in Federal district court a determination of whether
17 the petitioner should be recognized as an Indian tribe in
18 accordance with the criteria specified in section 83.7 of
19 title 25, Code of Federal Regulations.

20 (2) If the Assistant Secretary publishes a final deci-
21 sion refusing to recognize the Indians seeking recognition
22 under the petition referred to in subsection (a), the peti-
23 tioner may, not later than one year after the date on which
24 the final decision is published, seek in Federal district

1 court a review of the decision, notwithstanding the avail-
2 ability of other administrative remedies.

3 **SEC. 3. NO DELAY FOR PETITIONS AWAITING ACTIVE CON-**
4 **SIDERATION.**

5 It is the sense of the Congress that the review of the
6 petition referred to in section 2(a) should not unneces-
7 sarily delay the review of the pending fully documented
8 petitions for recognition as an Indian tribe awaiting active
9 consideration as of the date of enactment of this Act.

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